

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

336D0667

HOUSE BILL NO. 1294

Introduced by: Representatives Derby and Eccarius and Senator Whiting

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to special education
2 funding.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-37-35.1 be amended to read as follows:

5 13-37-35.1. Terms used in chapter 13-37 mean:

6 (1) "Level one disability," a mild disability;

7 (2) "Level two disability," a mental retardation or emotional disorder;

8 (3) "Level three disability," hearing impairment, deafness, visual impairment,
9 deaf-blindness, orthopedic impairment, or traumatic brain injury;

10 (4) "Level four disability," autism;

11 (5) "Level five disability," multiple disabilities;

12 (6) "Index factor," is the annual percentage change in the consumer price index for urban
13 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
14 the United States Department of Labor for the year before the year immediately
15 preceding the year of adjustment or three percent, whichever is less;

16 (7) "Local effort," is the amount of taxes payable each year, using a levy for the special
17 education fund of a school district of one dollar and thirty-five cents per thousand

1 dollars of taxable valuation;

2 (8) "Allocation for a student with a level one disability," for the school fiscal year
3 beginning July 1, 1999, is \$3,504. For each school year thereafter, the allocation for
4 a student with a level one disability shall be the previous fiscal year's allocation for
5 such child increased by the lesser of the index factor or three percent;

6 (9) "Allocation for a student with a level two disability," for the school fiscal year
7 beginning July 1, 1999, is \$7,914. For each school year thereafter, the allocation for
8 a student with a level two disability shall be the previous fiscal year's allocation for
9 such child increased by the lesser of the index factor or three percent;

10 (10) "Allocation for a student with a level three disability," for the school fiscal year
11 beginning July 1, 1999, is \$10,116. For each school year thereafter, the allocation for
12 a student with a level three disability shall be the previous fiscal year's allocation for
13 such child increased by the lesser of the index factor or three percent;

14 (11) "Allocation for a student with a level four disability," for the school fiscal year
15 beginning July 1, 1999, is \$14,705. For each school year thereafter, the allocation for
16 a student with a level four disability shall be the previous fiscal year's allocation for
17 such child increased by the lesser of the index factor or three percent;

18 (12) "Allocation for a student with a level five disability," for the school fiscal year
19 beginning July 1, 1999, is \$15,808. For each school year thereafter, the allocation for
20 a student with a level five disability shall be the previous fiscal year's allocation for
21 such child increased by the lesser of the index factor or three percent;

22 (13) "Child count," is the number of students in need of special education or special
23 education and related services according to criteria set forth in rules promulgated
24 pursuant to §§ 13-37-1.1 and 13-37-46 submitted to the Department of Education
25 and Cultural Affairs in accordance with rules promulgated pursuant to § 13-37-1.1;

1 (14) "Resident average daily membership," the average number of resident kindergarten
2 through twelfth grade pupils enrolled in all schools operated by the school district
3 during the previous regular school year plus the average number of pupils for whom
4 the district pays tuition and plus the average number of resident pupils enrolled in
5 another school district under the provisions of § 13-28-40;

6 (15) "Nonpublic school," a sectarian organization or entity which is accredited by the
7 secretary of education and cultural affairs for the purpose of instructing children of
8 compulsory school age. This definition excludes any school that receives a majority
9 of its revenues from public funds;

10 (16) "Nonpublic average daily membership," the average number of kindergarten through
11 twelfth grade pupils enrolled during the previous regular school year in all nonpublic
12 schools located within the boundaries of the public school district plus the average
13 number of children under age sixteen who are approved for alternative instruction
14 pursuant to § 13-27-2 during the previous school year;

15 (17) "Special education average daily membership," resident average daily membership
16 plus nonpublic average daily membership;

17 (18) "Local need," an amount to be determined as follows:

18 (a) Multiply the special education average daily membership by 0.089 and multiply
19 the result by the allocation for a student with a level one disability;

20 (b) Multiply the number of students having a level two disability as reported on the
21 child count for the previous school fiscal year by the allocation for a student
22 with a level two disability;

23 (c) Multiply the number of students having a level three disability as reported on
24 the child count for the previous school fiscal year by the allocation for a
25 student with a level three disability;

- 1 (d) Multiply the number of students having a level four disability as reported on the
- 2 child count for the previous school fiscal year by the allocation for a student
- 3 with a level four disability;
- 4 (e) Multiply the number of students having a level five disability as reported on the
- 5 child count for the previous school fiscal year by the allocation for a student
- 6 with a level five disability;
- 7 (f) Sum the results of (a) through (e);
- 8 (19) "Effort factor," the school district's special education tax levy in dollars per thousand
- 9 divided by ~~\$1.35~~ \$1.50. The maximum effort factor is 1.0.